86R25168 JES-F

By:  Patterson, González of El Paso, Ashby, H.B. No. 3638

     VanDeaver, et al.

Substitute the following for H.B. No. 3638:

By:  King of Hemphill C.S.H.B. No. 3638

A BILL TO BE ENTITLED

AN ACT

relating to eliminating certain requirements imposed on school districts and other educational entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. POWERS AND DUTIES OF STATE BOARD FOR EDUCATOR CERTIFICATION, SHARED SERVICES ARRANGEMENTS, AND HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE COUNCIL

SECTION 1.01.  Section 21.040, Education Code, is amended to read as follows:

Sec. 21.040.  GENERAL POWERS AND DUTIES OF BOARD. The board shall:

(1)  [~~supervise the executive director's performance;~~

[~~(2)  approve an operating budget for the board and make a request for appropriations;~~

[~~(3)~~] appoint the members of any advisory committee to the board;

(2) [~~(4)~~]  for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

(3) [~~(5)~~]  provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees; and

(4) [~~(6)~~]  develop and implement policies that clearly define the respective responsibilities of the board and the board's staff[~~; and~~

[~~(7) execute interagency contracts to perform routine administrative functions~~].

SECTION 1.02.  Section 29.006(a), Education Code, is amended to read as follows:

(a)  The governor shall appoint a continuing advisory committee, composed of 17 members, under 20 U.S.C. Section 1412(a)(21). At least one member appointed under this subsection must be a director of special education programs for a school district [~~or for a shared services arrangement of multiple school districts as provided by Section 29.007~~].

SECTION 1.03.  Sections 29.095(d) and (e), Education Code, are amended to read as follows:

(d)  The commissioner shall establish application criteria for receipt of a grant under this section. The criteria must require confirmation that the appropriate campus-level planning and decision-making committee established under Subchapter F, Chapter 11, and the school district board of trustees have approved a plan that includes:

(1)  a description of the student club;

(2)  a statement of the student club's goals, intent, and activities;

(3)  a statement of the source of funds to be used to match the grant;

(4)  a budget for the student club; and

(5)  a statement showing that the student club's finances are sustainable[~~; and~~

[~~(6)  any other information the council requires~~].

(e)  The commissioner shall establish the minimum requirements for a local grant agreement, including requiring:

(1)  the agreement to be signed by the sponsor of a student club receiving a grant and another authorized school district officer; and

(2)  the district and the student club to participate in an evaluation[~~, as determined by the council,~~] of the club's program and the program's effect on student achievement and dropout rates.

SECTION 1.04.  Section 29.096(e), Education Code, is amended to read as follows:

(e)  The commissioner shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

(1)  limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;

(2)  have as a primary goal graduation from high school;

(3)  provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;

(4)  include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;

(5)  serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);

(6)  allocate not more than 15 percent of grant funds and matching funds, as determined by the commissioner, to administrative expenses; and

(7)  include matching funds from any of the participating entities[~~; and~~

[~~(8)  include any other requirements as determined by the council~~].

SECTION 1.05.  Section 29.097(b), Education Code, is amended to read as follows:

(b)  From funds appropriated for that purpose in an amount not to exceed $3 million each year, the commissioner shall establish a pilot program for the commissioner to award grants to participating campuses to provide intensive technology-based supplementary instruction in English, mathematics, science, or social studies to students in grades nine through 12 identified as being at risk of dropping out of school, as described by Section 29.081(d). Instruction techniques and technology used by a campus under this section must be based on the best available research[~~, as determined by the council,~~] regarding college and workforce readiness.

SECTION 1.06.  Section 39.235(a), Education Code, is amended to read as follows:

(a)  From funds appropriated for that purpose, the commissioner may establish a grant program under which grants are awarded to middle, junior high, and high school campuses and school districts to support:

(1)  the implementation of innovative improvement programs that are based on the best available research regarding middle, junior high, or high school reform, dropout prevention, and preparing students for postsecondary coursework or employment; and

(2)  enhancing education practices that have been demonstrated by significant evidence of effectiveness[~~; and~~

[~~(3)  the alignment of grants and programs to the strategic plan adopted under Section 39.407~~].

ARTICLE 2. SCHOOL OPERATIONS

SECTION 2.01.  Sections 33.202(a), (c), (d), and (e), Education Code, are amended to read as follows:

(a)  The University Interscholastic League [~~commissioner by rule~~] shall develop and adopt an extracurricular activity safety training program as provided by this section. In developing the program, the league [~~commissioner~~] may use materials available from the American Red Cross, Emergency Medical Systems (EMS), or another appropriate entity.

(c)  The safety training program must include:

(1)  certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League[~~, as determined by the commissioner~~];

(2)  current training in:

(A)  emergency action planning;

(B)  cardiopulmonary resuscitation if the person is not required to obtain certification under Section 33.086;

(C)  communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

(D)  recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

(3)  at least once each school year, a safety drill that incorporates the training described by Subdivision (2) and simulates various injuries described by Subdivision (2)(D).

(d)  The University Interscholastic League [~~A school district~~] shall provide training to students participating in an extracurricular athletic activity related to:

(1)  recognizing the symptoms of injuries described by Subsection (c)(2)(D); and

(2)  the risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

(e)  The safety training program and the training under Subsection (d) must [~~may~~] each be conducted by the University Interscholastic League [~~a school or school district~~] or by another [~~an~~] organization described by Subsection (c)(1), as determined by the league.

SECTION 2.02.  Section 361.425(b), Health and Safety Code, is amended to read as follows:

(b)  The commission:

(1)  by order shall exempt from compliance with this section:

(A)  [~~a school district or~~] a municipality with a population of less than 5,000 [~~from compliance with this section~~] if the commission finds that compliance would work a hardship on [~~the district or~~] the municipality;

(B)  a school district with a student enrollment of fewer than 10,000 students; and

(C)  an entity described by Subsection (a) if:

(i)  the entity petitions the commission for an exemption; and

(ii)  the commission finds that compliance would work a hardship on the entity; and

(2) [~~. The commission~~] shall adopt rules for administering this subsection.

SECTION 2.03.  Section 361.426(d), Health and Safety Code, is amended to read as follows:

(d)  The commission:

(1)  by order shall exempt from compliance with this section:

(A)  [~~a school district or~~] a municipality with a population of less than 5,000 [~~from compliance with this section~~] if the commission finds that compliance would work a hardship on [~~the district or~~] the municipality;

(B)  a school district with a student enrollment of fewer than 10,000 students; and

(C)  an entity described by Subsection (a) if:

(i)  the entity petitions the commission for an exemption; and

(ii)  the commission finds that compliance would work a hardship on the entity; and

(2) [~~. The commission~~] shall adopt rules for administering this subsection.

ARTICLE 3. TEACHER QUALITY

SECTION 3.01.  The heading to Section 21.410, Education Code, is amended to read as follows:

Sec. 21.410.  MASTER [~~READING~~] TEACHER GRANT PROGRAM.

SECTION 3.02.  Section 21.410, Education Code, is amended by amending Subsections (a), (b), (c), (d), (f), (g), and (j) and adding Subsection (c-1) to read as follows:

(a)  The commissioner shall establish a master [~~reading~~] teacher grant program to encourage teachers to:

(1)  become certified as master [~~reading~~] teachers in reading, mathematics, technology, or science; and

(2)  work with other teachers and with students in order to improve student reading, mathematics, or science performance or to increase the use of technology in each classroom, as applicable.

(b)  From funds appropriated for the purpose, the commissioner shall make grants to school districts as provided by this section to pay stipends to selected certified master [~~reading~~] teachers who teach at high-need campuses.

(c)  The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule[~~, including performance on the reading assessment instrument administered under Section 39.023~~]. The commissioner shall also use the criteria to rank campuses in order of greatest need.

(c-1)  In establishing criteria under Subsection (c) to identify high-need campuses for purposes of awarding master teacher grants in reading, mathematics, or science, the commissioner must include performance on the reading, mathematics, or science assessment instrument administered under Section 39.023, as applicable.

(d)  A school district may apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master [~~reading~~] teachers in accordance with this section. [~~Unless reduced under Subsection (g) or (i), each grant is in the amount of $5,000.~~] The commissioner shall approve the application if the district:

(1)  applies within the period and in the manner required by rule adopted by the commissioner; and

(2)  agrees to use each grant only for the purpose of paying a year-end stipend to a master [~~reading~~] teacher in reading, mathematics, technology, or science:

(A)  who holds the appropriate [~~a~~] certificate issued under Section 21.0481, Section 21.0482, Section 21.0483, or Section 21.0484;

(B)  who teaches in a position prescribed by the district at a high-need campus identified by the commissioner;

(C)  whose primary duties include:

(i)  teaching reading, mathematics, or science or integrating technology use in teaching, as applicable; and

(ii)  serving as a reading, mathematics, or science teaching mentor or technology training mentor, as applicable, to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner; and

(D)  who satisfies any other requirements established by rule adopted by the commissioner.

(f)  The commissioner shall adopt rules for the distribution of grants to school districts following the year of the initial grant. A district that has been approved for a grant to pay a stipend to a certified master [~~reading~~] teacher is not required to reapply for a grant for two consecutive school years following the year of the initial [~~intitial~~] grant if the district:

(1)  continues to pay a stipend as provided by Subsection (g); and

(2)  notifies the commissioner in writing, within the period and in the manner prescribed by the commissioner, that the circumstances on which the grant was based have not changed.

(g)  The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A district that employs more certified master [~~reading~~] teachers than the number of grants available under this section shall select the certified master [~~reading~~] teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district shall pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. A decision of the district under this subsection is final and may not be appealed. The district may not apportion among teachers a stipend paid for with a grant the district receives under this section. The district may use local money to pay additional stipends in amounts determined by the district.

(j)  A decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master [~~reading~~] teacher certification of a teacher to whom the district is paying a stipend under this section.

ARTICLE 4. REPEALERS

SECTION 4.01.  (a) The following provisions of the Education Code are repealed:

(1)  Section 7.102(c)(9);

(2)  Sections 21.411, 21.412, and 21.413;

(3)  Section 29.007;

(4)  Sections 29.095(a)(1), 29.096(a), and 29.097(a)(1);

(5)  Section 38.0081;

(6)  Sections 39.401, 39.402, 39.403, 39.404, 39.405, 39.406, 39.407, 39.409, 39.410, 39.411, 39.412, 39.413, 39.414, 39.415, and 39.416;

(7)  Section 44.903; and

(8)  Section 45.208(e).

(b)  Chapter 114, Health and Safety Code, is repealed.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01.  This Act applies beginning with the 2019-2020 school year.

SECTION 5.02.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.